



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,576	02/01/2001	Seizo Miyazaki	Q62956	2515

7590 04/03/2003

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

SY, MARIANO ONG

ART UNIT	PAPER NUMBER
----------	--------------

3683

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,576

Applicant(s)

MIYAZAKI, SEIZO

Examiner

Mariano Sy

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10-12, 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The amendment filed on March 5, 2003 has been received.
2. The disclosure is objected to because of the following informalities:
page 34, 3rd full paragraph, "eighth embodiment" should be --eleventh embodiment--.
See page 11, lines 8-9 of specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

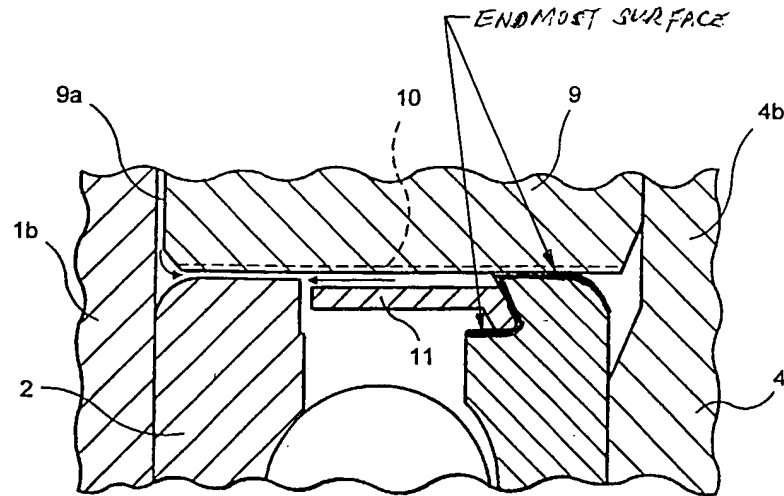
A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 8, 11, 15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Katakura et al. (U.S. Patent Number 6,038,205).

Re-claim 1 Katakura et al. discloses, as shown in fig. 1-2, a sealing member 11 adapted to a rolling bearing, wherein the rolling bearing comprises an inner ring, outer ring, and plurality of rolling elements rotatably disposed and defines a space, and wherein the space is formed between inner circumferential surface of outer ring and outer circumferential surface of inner ring, said sealing member comprising: a first portion substantially covering at least a part of the end part of the space, and a second

portion being press fit which can be readable as bonded and fixed to an axial direction endmost surface of one of inner and outer rings. See Fig. 2 below.



Re-claim 8 Katakura et al. discloses, as shown in fig. 1-2, wherein the second portion is pressed fit which can be readable as bonded and fixed to the axial direction end surface with a predetermined detachable bonding force.

Re-claim 11 Katakura et al. discloses, as shown in fig. 1-2, a rolling bearing comprising: an inner and outer ring; a plurality of rolling elements rotatably disposed and defines a space which has one end part opening in an axial direction and is formed between inner circumferential surface of outer ring and outer circumferential surface of inner ring, a sealing member 11 including a first portion covering at least a part of the end part opening of the space, and a second portion being press fit which can be readable as bonded and fixed to an axial direction endmost surface of one of inner and outer rings.

Re-claims 15 and 17 Katakura et al. discloses, as shown in fig. 1-2, a bearing device comprising: an axis side member including a cylindrical part 1b with an inner ring

Art Unit: 3683

3 mounted externally, an outward flange part 1 disposed on one end side in the axial direction; a housing 4 including a ring part 4a with an outer ring mounted internally, and an outward flange part disposed on the other end part in the axial direction; a rolling bearing disposed between said axis side member and said housing and having outside surface covered by said outward flange part 1; a sheet 11 covering a gap between inner and outer ring and disposed externally on an endmost side of the other end part in the axial direction, the sheet being press fit which can be readable as bonded on at least one of the outward flange part of the housing, the inner ring and the outer ring by a detachable bonding force; wherein it is inherent the bonded portion of the sheet can be removable by heating.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katakura et al. in view of Edwards et al. (U.S. Patent Number 5,270,887).

Re-claims 2, 10, and 12 Katakura et al. discloses, as shown in fig. 1, 2, 5, a sealing member 11 but failed to disclose wherein the sealing member comprise: a core layer, an aluminum film disposed on the core layer and an adhesive layer disposed on

Art Unit: 3683

said aluminum film. Edwards et al. teaches the use of sealing tape14 comprises: a core layer, an aluminum film disposed on the core layer and an adhesive layer disposed on said aluminum film, see col. 5, lines 21-24. It would have been obvious to one of ordinary skill in the art to have merely utilized the known sealing tape as sealing member of Katakura et al., in view of the teaching of Edwards et al., wherein both the sealing tape and sealing member have a common application of preventing any dust or particles from passing through on either side of the sealing member or tape.

Re-claims 3 and 4 Katakura et al. discloses, as shown in fig. 1, 2, 5, wherein the sealing member is substantially formed into a circular or annular shape.

7. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: "said sealing member has a tub portion" in line 2 of claims 5-7 in which Examiner regards "the tub portion" reads on --knob part 13-- in the specification.

8. Applicant's arguments filed on March 5, 2003 have been fully considered but they are not persuasive.

Examiner still maintains the rejection is proper. Katakura et al. '205 discloses in fig. 2 sealing member 11 is still readable on claims 1, 11, and 15 as "a second portion being press fit which can be readable as bonded and fixed to an axial direction endmost

Art Unit: 3683

surface of one of the inner and outer rings". The recessed on the outer ring can be read as --the axial direction endmost surface--.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication should be directed to Mariano Sy at telephone number 703-308-3427.

 M. Sy

March 28, 2003


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

4/1/03